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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,879	05/22/2001	Paul W. Dent	P-4015.844	8844

24112 7590 04/22/2005

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RALEIGH, NC 27602

EXAMINER
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JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/862,879

**Applicant(s)**

DENT ET AL.

**Examiner**

David Y. Jung

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-77 are presented:

Claims 1-4, 6-11, 15-35, 40-50, 54-56, 60-71 are rejected under 35 USC over Henderson (US Patent cited below).

Claims 5, 12-14, 51-53, 57-59 are rejected under 35 USC over Henderson and Wang (US Patent cited below).

Claims 36-39, 72-77 are rejected under 35 USC over Wang.

### ***Response to Arguments***

Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant asserts that "an authentication challenge ... authentication response based on said authentication challenge and said authentication code ..." is not taught by the prior art in the context of the claims. The Office disagrees. Such "an authentication challenge ... authentication response based on said authentication challenge and said authentication code ..." is suggested by request for password by the system (challenge) and by the providing of the password (response) upon the challenge (based on the challenge and the authentication code). Such password challenge system is well known in the art for the motivation of security. This is often called "locking" the machine. Unless Applicant wishes to state otherwise, the rejections are correct.

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## **CLAIM REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11, 15-35, 40-50, 54-56, 60-71 are rejected under 35 USC over Henderson (US Patent 5602536, cited by Applicant).

Regarding claim 1, Henderson teaches "A method of enabling or activating a protected function, said method comprising: storing an authorization code in a wireless communication device; transmitting an access request from said wireless communication device to an access control device; receiving an authentication challenge from said access control device at said wireless communication device in response to said access request; computing an authentication response based on said authentication challenge and said authorization code; and transmitting said authentication response from said wireless communication device to said access control device (column 1, line 29 to column 2, line 42, i.e. long range electromagnetic communications)."

These passages of Henderson do not teach "authentication challenge" in the sense of the claim..

Nevertheless, it was well known in the art (by the time of the claimed invention) to have a "authentication challenge" among advanced processing

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systems (e.g., passwords in computers, long distance phone card codes, etc.) to have "authentication challenge" for the motivation of security.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Henderson for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2 (time indication to limit access etc.), such particular features are well known in the art for the purpose of dividing access to scarce resources (bandwidth, etc.). Regarding claim 3-4, 6-11, 15-35, 40-50, 54-56, 60-71, such particular features are well known in the art for the purpose of handling information across processing systems and for the purpose of security.

Claims 5, 12-14, 51-53, 57-59 are rejected under 35 USC over Henderson and Wang (US Patent 6175922, cited by Applicant).

Henderson teaches as noted above.

Henderson does not teach such e-transactions such as smart cards and centralized control as in these claims.

Wang teaches such e-transactions for the motivation of ease of commerce.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine Henderson and Wang for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Claims 36-39, 72-77 are rejected under 35 USC over Wang.

Regarding claim 36, Wang teaches "A method of programming a wireless communication device with an authorization code used to enable or activate a

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protected function, said method comprising: storing a master code in a central controller; receiving an initialization request from said wireless communication device; computing an authorization code based on said master code, said central controller in response to receipt of said initialization request; communicating said authorization code to said wireless communication device (column 3, lines 5-60, i.e. transaction approval handling).

These passages of Wang do not teach "initialization" in the sense of the claim. Instead, Wang is a system of ongoing sets of transactions (not limiting to initialization).

Nevertheless, it was well known in the art to have a "initialization" situation among transactions (especially in situations of infrequent transactions where re-initialization of expired information is needed) for the motivations of efficiency and security.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Wang for the motivation noted in the previous paragraphs so as to teach the claimed invention.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)

**Or:**

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(703) 746-5606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

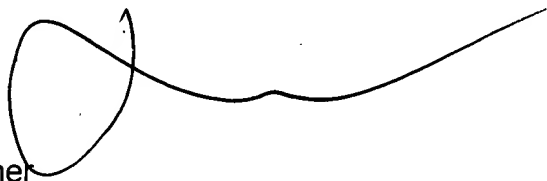
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Greg Morse whose telephone number is (571) 272-3838.

David Jung

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Patent Examiner

4/18/05

A handwritten signature in black ink, consisting of a large, loopy initial 'D' followed by a long, sweeping horizontal stroke that ends in a slight upward curve.